

UNITED STATES BANKRUPTCY COURT
DISTRICT OF OREGON

In re) Case No. _____
)
) NOTICE OF MOTION TO
) VALUE PROPERTY PURSUANT
) TO 11 U.S.C. §506 AND AVOID
) WHOLLY UNSECURED LIEN IN
Debtor(s)) A CHAPTER 13 CASE

A motion, COPY ATTACHED, was filed by the debtor to value property and avoid a wholly unsecured lien in a Chapter 13 case (as provided by 11 U.S.C. §506(d)) held as collateral by the secured creditor whose name and address for mailing (see Fed. Bankruptcy Rule 7004) are:

The name, address, and telephone number of the debtor's attorney (or debtor, if no attorney) are:

The debtor's address and Taxpayer ID#(s) (last 4 digits) are:

If you wish to resist the motion you must, within 28 days of the service date shown below, file both a written response, and a certificate showing a copy of the response has been served on the person named above, with the Clerk of the Bankruptcy Court.

Contents of Response - A response must state the facts upon which the motion is resisted.

If you file a timely response, and the Court requires a hearing, all parties will be given notice of the hearing date, time, and location.

Failure to Respond - If no timely response is filed, the court may sign an ex parte order, submitted by the debtor, granting the motion.

Filing Address - If the 5-digit portion of the Case No. begins with "3" or "4", mail to 1001 SW 5th Ave #700, Portland OR 97204; or if it begins with "6" or "7", mail to 405 E 8th Ave #2600, Eugene OR 97401. ECF participants must file electronically.

Clerk, U.S. Bankruptcy Court

I certify that, pursuant to FRBP 7004, on _____, copies of both the above Notice and the Motion were served on the trustee and creditor at the address listed above.

Signature

(OSB # if attorney)

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Debtor(s)) IN A CHAPTER 13 CASE

Debtor moves to avoid a lien on real property referenced below, and alleges as follows:

1. Name and address of lienholder whose lien is to be avoided:
2. Address and legal description (attach exhibit if necessary) of real property to which lien attaches:
3. Recording information regarding lien to be avoided:
 - (A) Recorded in _____ County, State of _____;
 - (B) Date recorded _____; and
 - (C) Reference No./Book No./Reel No./Other Identifying Reference _____
4. Date petition filed: _____
5. Value of property as of petition date: \$_____
6. Name(s) of senior lienholder(s):
7. Present balance owing to senior lienholder(s) on petition date excluding any precomputed interest or other unearned charges: \$_____
8. No equity in debtor's property exists to which the lien referenced above can attach.
9. In light of the foregoing, and pursuant to 11 U.S.C. §§506(d) and 1322, debtor is entitled to avoid the lien referenced above so that it no longer remains a lien against debtor's real property.

Debtor's or Debtor's Attorney's Signature OSB #

Address

Telephone Number

LEGAL DESCRIPTION EXHIBIT A

A part of Lot 8, STILL MEADOWS, filed May 31, 1985, in Book 1218, Page 1, Records of Multnomah County, and Lot 20, Block 2, GUINNESS BERRY FARMS, filed November 16, 1908, in Book 440, Page 49, Records of Multnomah County, both duly recorded plats in the Northeast one-quarter of Section 15, Township 1 South, Range 2 East, of the Willamette Meridian, in the County of Multnomah and State of Oregon, more particularly described as follows:

Beginning at the Northeast corner of Lot 8, STILL MEADOWS, a duly recorded plat in the Northeast one-quarter of Section 15, Township 1 South, Range 2 East, of the Willamette Meridian, recorded in Plat Book 1218, Page 1, Multnomah County, Plat Records; thence South 2° 06' 15" West, a distance of 72.46 feet along the East line of Lot 8 to the Southeast corner thereof; thence North 89° 16' 20" West, a distance of 31.60 feet along the South line of said Lot 8; thence South 2° 06' 35" West, a distance of 2.69 feet; thence 89° 15' 20" West, a distance of 46.25 feet parallel with the South line of Lot 8; thence North 45° 37' 18" West, a distance of 23.32 feet to the Easterly line of SE 114th Avenue as platted in the Plat of STILL MEADOWS; thence 59.26 feet along the arc of a non-tangent 40.00 foot radius curve to the left through a central angle of 84° 42' 47" (the long chord of 53.98 feet bears North 1° 66' 28" East) to the Northwest corner of Lot 8; thence North 87° 42' 25" East, a distance of 96.69 feet along the North line of Lot 8 to the point of beginning.

